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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,989	01/21/2004	Chi-Tsung Peng	JIL06	4295
7590	08/24/2005		EXAMINER	
J.C. Patents Suite 250 4 Venture Irvine, CA 92618			LEPISTO, RYAN A	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/761,989

Applicant(s)

PENG ET AL

Examiner

Ryan Lepisto

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 32.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Specification

2. The disclosure is objected to because of the following informalities:
- The drawings can be corrected by just adding reference number 32 after the word "tie" on line 11 of the specification.
 - On line 4 of the specification, "a more particularly" is not needed.
- Appropriate correction is required.

Claim Objections

3. **Claims 1 and 2** are objected to because of the following informalities:
- With regard to claim 1: The word "winding" should be replaced with – wind – to make the claim language clear.
 - With regard to claim 2: The word "end" after "side" should be deleted to make it clear that the light exits the fiber at the fiber's side.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 2 and 3** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recites the limitation "plastic optical fiber" in claims 2 and 3 and "said illuminating structure" in claim 3. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 3 and 5** are rejected under 35 U.S.C. 102(b) as being anticipated by **Shattan (US 5,422,797)**. Shattan teaches a optical fiber tree for illuminating decoration (Figs. 5-7 and 9) comprising a stand (6), a plurality of optical fibers (15), for outputting light at their tips from a light source coupled to the branch stands (6) via the trunk light pipe (22), bundled together (Fig. 5) and wound along a plurality of metal branch stands (19) and fixed by a metal strand (Fig. 4, 17) that acts to tie the fibers (15) securely to the branch stands (19)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Shattan as applied to claims 1, 3 and 5 above, and further in view of **Naum (US 5,579,429)**.

Shattan teaches an optical fiber tree with the structure described above used to reject claims 1, 3 and 5.

Shattan does not teach expressly the optical fiber emitting light from their sides.

Naum teaches an optical fiber for illumination devices that emits light from its sides.

Shattan and Naum are analogous art because they are from the same field of endeavor, illumination devices using optical fibers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to using the fiber taught by Naum in the tree taught by Shattan since the fiber taught by Naum can be illuminated by the source taught by Shattan (Naum, column 4 lines 6-25) and wound and mounted just as the fibers taught by Shattan.

The motivation for doing so would have been to increase the illumination properties, increase safety and to reduce cost and weight by using fibers that are flexible, rugged, lightweight, economical to manufacture and capable of sustaining high service temperatures (Naum, column 3 lines 36-42).

Allowable Subject Matter

7. **Claim 4** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This claim would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the latter, either alone or in combination, does not disclose nor render obvious an optical fiber twig tree comprising a branch stand comprising a main branch and a hook at the tip of the branch for hooking into a screw on the branch base so the main branch is capable of moving up and down when being combined with the plastic optical fiber bundles, in combination with the rest of the claimed limitations.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference are pertinent to the general state of the art: Pickering (US 5,104,608), Siegal (US 3,465,139), Sadacca et al (US 3,766,376), Foley (US 4,060,722), Carrington (US 4,068,118), Mori (US 4,471,412), Stephens (US 5,333,226), Tanaka et al (US 5,962,088), Isabella (US 6,050,714) and Kao (US 6,056,427).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2883

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan Lepisto

Art Unit 2883

Date: 7/25/05



Frank Font

Supervisory Patent Examiner

Technology Center 2800